

09:26AM

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH BONGIOVANNI,

Defendant.

Case No. 1:19-cr-227  
(LJV)

September 3, 2024

TRANSCRIPT EXCERPT - EXAMINATION OF CHERYL PANZARELLA  
BEFORE THE HONORABLE LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

TRINI E. ROSS, UNITED STATES ATTORNEY  
BY: JOSEPH M. TRIPI, ESQ.  
NICHOLAS T. COOPER, ESQ.  
CASEY L. CHALBECK, ESQ.

Assistant United States Attorneys  
Federal Centre, 138 Delaware Avenue  
Buffalo, New York 14202  
For the Plaintiff

**SINGER LEGAL PLLC**

BY: ROBERT CHARLES SINGER, ESQ.

80 East Spring Street  
Williamsville, New York 14221

And

**LAW OFFICES OF PARKER ROY MacKAY**

BY: PARKER ROY MacKAY, ESQ.

3110 Delaware Avenue  
Kenmore, New York 14217

And

**OSBORN, REED & BURKE, LLP**

BY: JOHN J. GILSENAN, ESQ.

120 Allens Creek Road  
Rochester, New York 14618  
For the Defendant

PRESENT:

BRIAN A. BURNS, FBI Special Agent  
MARILYN K. HALLIDAY, HSI Special Agent  
KAREN A. CHAMPOUX, USA Paralegal

LAW CLERK:

REBECCA FABIAN IZZO, ESQ.

**COURT DEPUTY CLERK: COLLEEN M. DEMMA**

**COURT REPORTER: ANN MEISSNER SAWYER, FCRR, RPR, CRR**  
Robert H. Jackson Federal Courthouse  
2 Niagara Square  
Buffalo, New York 14202  
Ann\_Sawyer@nywd.uscourts.gov

\* \* \* \* \*

(Excerpt commenced at 4:02 p.m.)

(Jury is present.)

**THE COURT:** Okay. And the government can call its  
next witness.

**MS. CHALBECK:** Ms. Demma, can I hand this to you?

**THE CLERK:** Sure.

**MS. CHALBECK:** Thank you, ma'am.

The government calls Cheryl Panzarella.

**C H E R Y L P A N Z A R E L L A**, having been duly called and  
sworn, testified as follows:

**MS. CHALBECK:** May I inquire, Judge?

**THE COURT:** You may.

**DIRECT EXAMINATION BY MS. CHALBECK:**

Q. Good afternoon, Ms. Panzarella. Can you introduce  
yourself to the jury?

A. Yes. My name is Cheryl Panzarella.

Q. And where do you work, Ms. Panzarella?

04:04PM 1 A. I work at the DEA.

04:04PM 2 Q. And what do you do there?

04:04PM 3 A. I'm the office assistant.

04:04PM 4 Q. How long have you been working for the DEA?

04:04PM 5 A. I've worked for the DEA for 40 years.

04:04PM 6 Q. And prior to being the office assistant, did you have  
04:04PM 7 some other position with the DEA?

04:04PM 8 A. Two other positions.

04:04PM 9 **THE COURT:** Could you speak right into the  
04:04PM 10 microphone?

04:04PM 11 **THE WITNESS:** Two other positions.

04:04PM 12 **BY MS. CHALBECK:**

04:04PM 13 Q. Can you tell the jury what those positions were?

04:04PM 14 A. I was hired -- I was hired as a clerk steno. And I was  
04:04PM 15 hired as a -- investigative assistant, and then office  
04:04PM 16 assistant now. So I've had three jobs there.

04:04PM 17 Q. At one point, were you what's called a property custodial  
04:04PM 18 assistant?

04:04PM 19 A. Yes.

04:04PM 20 Q. Okay. Were you a property custodial assistant in 2019?

04:05PM 21 A. Yes.

04:05PM 22 Q. And can you explain to the jury what your duties were as  
04:05PM 23 a property custodial assistant --

04:05PM 24 A. Yes.

04:05PM 25 Q. -- at that time?

04:05PM 1 A. As a property custodial assistant, you're responsible for  
04:05PM 2 keeping track of all the property that is handed out that is  
04:05PM 3 owned by the government. So, computers, cell phones, things  
04:05PM 4 like that. And that's basically it in a nut shell.  
04:05PM 5 Q. And let me just ask a quick follow-up question. When you  
04:05PM 6 say "property that is handed out," this is -- are you  
04:05PM 7 referring to property that the DEA provides its employees  
04:05PM 8 including special agents?  
04:05PM 9 A. Yes.  
04:05PM 10 Q. Okay. It's not just like property that DEA is just  
04:05PM 11 giving away?  
04:05PM 12 A. Oh, no.  
04:05PM 13 Q. Okay. And among the property that is -- withdrawn.  
04:05PM 14 Are cell phones among the property that the DEA issues  
04:06PM 15 its special agents?  
04:06PM 16 A. Yes.  
04:06PM 17 Q. Okay. I'm going to return to that in just a minute,  
04:06PM 18 Ms. Panzarella, but first I want to ask you if you know an  
04:06PM 19 individual by the name of Joseph Bongiovanni.  
04:06PM 20 A. Yes, I do.  
04:06PM 21 Q. How do you know that person?  
04:06PM 22 A. He worked with me at the DEA.  
04:06PM 23 Q. Do you see him present in the courtroom?  
04:06PM 24 A. I do.  
04:06PM 25 Q. Can you identify him by an article of clothing that he's

1	wearing?
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2	A. Light blue tie.
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3 | Q. There are two blue ties.

4	A. White shirt.
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5	Q. Okay.
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6                   **MS. CHALBECK:** Your Honor, may the record reflect  
7   that the witness identified the defendant?

8                   **THE COURT:** It does.

9 MS. CHALBECK: Thank you, Your Honor.

10 BY MS. CHALBECK:

11 Q. You mentioned that you know the defendant through work;  
12 is that correct?

13	A. Yes.
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14 Q. Would you -- how would you characterize the kind of,  
15 like, work relationship that you had with the defendant?

16 | A. We were friends.

17 Q. Do you recall approximately when the defendant retired  
18 from the DEA?

19 | A. Maybe the end of January 2019, I think.

20 Q. And did the defendant turn in his DEA-issued cell phone  
21 prior to his retirement?

22	A. Yes.
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23 Q. Did you come to learn that the defendant had wiped that  
24 cell phone?

25	A. Yes.
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04:07PM 1 Q. Okay. Was there ever a time when you had possession of  
04:07PM 2 the defendant's phone after he turned it in?  
04:07PM 3 A. Yes.  
04:07PM 4 Q. And did you ever give that phone to someone else?  
04:07PM 5 A. I did.  
04:07PM 6 Q. Who did you give that phone to?  
04:07PM 7 A. I turned it over to the resident agent in charge at the  
04:07PM 8 time, Edward Orgon.  
04:07PM 9 Q. Okay. And I'm going to ask you just another couple of  
04:07PM 10 questions and then we'll -- we'll hopefully get you out of  
04:07PM 11 here soon. You mentioned that you were work friends with the  
04:08PM 12 defendant. Were you surprised when he retired?  
04:08PM 13 A. A little bit.  
04:08PM 14 Q. Can you explain that to the jury, please?  
04:08PM 15 A. Well, he came to me and said, you know, Friday is my last  
04:08PM 16 day here, Cheryl. And I was surprised. And I said, no, why?  
04:08PM 17 And he said, well, my --  
04:08PM 18 Q. Hold on. Not trying to get into anyone else's  
04:08PM 19 statements. I just wanted to know if you were surprised.  
04:08PM 20 A. Yes.  
04:08PM 21 Q. And you said that he -- that Friday was his last day, he  
04:08PM 22 told you that Friday was his last day?  
04:08PM 23 A. Yes.  
04:08PM 24 Q. When in the week did this occur?  
04:08PM 25 A. I think it was a Monday, but that's a guess.

04:08PM 1 Q. Okay.

04:08PM 2 **MS. CHALBECK:** One moment, please.

04:09PM 3 No further direct, Your Honor.

04:09PM 4 **THE COURT:** Any cross?

04:09PM 5 **MR. MacKAY:** Yes, Judge.

04:09PM 6

04:09PM 7 **CROSS-EXAMINATION BY MR. MacKAY:**

04:09PM 8 Q. Good afternoon, Ms. Panzarella. How are you?

04:09PM 9 A. Good, thank you.

04:09PM 10 Q. So one of your jobs was, I think it was property  
04:09PM 11 custodian, correct?

04:09PM 12 A. Correct.

04:09PM 13 Q. So over the years at the DEA, you dealt with, for  
04:09PM 14 example, agents turning in property when they were done with  
04:09PM 15 their -- their time at the DEA, correct?

04:09PM 16 A. Yes.

04:09PM 17 Q. Meaning that, like, they can't take their government cell  
04:09PM 18 phones home with them, for example, correct?

04:09PM 19 A. After they retire?

04:09PM 20 Q. Yes.

04:09PM 21 A. No.

04:09PM 22 Q. Okay. And in -- so, in -- just to be clear, you've dealt  
04:09PM 23 with that quite a few times where you have had to get those  
04:09PM 24 cell phones back, correct?

04:09PM 25 A. Yes.

1 Q. And fair to say that standard practice was the agents  
2 would wipe those prior to giving those back to you?

3 A. Yes.

4 Q. Okay. Prior, meaning that you would take custody of the  
5 phones when you would get them from the agents, correct?

6 A. Yes.

7 Q. And you would receive them, and it was routine practice  
8 that they were already wiped before you got possession of  
9 them, correct?

10 A. Yes. Yes.

11 **MR. MacKAY:** Nothing further. Thank you,  
12 Ms. Panzarella.

13 **THE WITNESS:** You're welcome.

14 **THE COURT:** Anything more, Ms. Chalbeck?

15 **MS. CHALBECK:** Yes, Your Honor.

16

17 **REDIRECT EXAMINATION BY MS. CHALBECK:**

18 Q. Ms. Panzarella, just one more question.

19 A. Sure.

20 Q. When the defendant told you that he was going to retire  
21 at the end of the week and it surprised you, did he mention  
22 that he was under investigation by the DEA at that time?

23 A. No.

24 **MR. SINGER:** Objection, beyond the scope.

25 **THE COURT:** Stop. Yes, sustained.



04:10PM 1 **MS. CHALBECK:** No further --

04:10PM 2 **THE COURT:** The jury will strike that question and  
04:10PM 3 answer, and you can step down, ma'am. Thank you.

04:10PM 4 **THE WITNESS:** Thank you.

04:10PM 5 (Witness excused at 4:10 p.m.)

04:10PM 6 (Excerpt concluded at 4:10 p.m.)

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**CERTIFICATE OF REPORTER**

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In accordance with 28, U.S.C., 753(b), I  
certify that these original notes are a true and correct  
record of proceedings in the United States District Court for  
the Western District of New York on September 3, 2024.

s/ Ann M. Sawyer  
Ann M. Sawyer, FCRR, RPR, CRR  
Official Court Reporter  
U.S.D.C., W.D.N.Y.

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SEPTEMBER 3, 2024

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